

AMENDED IN SENATE AUGUST 11, 2016  
AMENDED IN SENATE SEPTEMBER 1, 2015  
AMENDED IN SENATE JUNE 24, 2015  
AMENDED IN ASSEMBLY JUNE 2, 2015  
AMENDED IN ASSEMBLY APRIL 30, 2015  
AMENDED IN ASSEMBLY MARCH 26, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 870**

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**Introduced by Assembly Member Cooley**

February 26, 2015

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~~An act to add and repeal Chapter 1 (commencing with Section 15290) of Part 6.6 of Division 3 of Title 2 of the Government Code, relating to housing. An act to add and repeal Chapter 3.6 (commencing with Section 11366) of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agency regulations, and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 870, as amended, Cooley. ~~Homelessness: rapid rehousing. State government: administrative regulations: review.~~

*Existing law authorizes various state entities to adopt, amend, or repeal regulations for various specified purposes. The Administrative Procedure Act requires the Office of Administrative Law and a state agency proposing to adopt, amend, or repeal a regulation to review the proposed changes for, among other things, consistency with existing state regulations.*

*This bill, until January 1, 2020, would require each state agency to, on or before January 1, 2019, review that agency's regulations, identify any regulations that are duplicative, overlapping, inconsistent, or out of date, revise those identified regulations, as provided, and report to the Legislature and Governor, as specified.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

~~Existing federal law, the American Recovery and Reinvestment Act of 2009, allocated, until September 30, 2011, \$1.5 billion to the federal Department of Housing and Urban Development for the Homelessness Prevention Fund, to be used for homelessness prevention and rapid rehousing. Existing federal law, known as the Emergency Solutions Grants Program, provides grants to states, local governments, and private nonprofit organizations, as specified, for specified housing assistance activities. Existing law, the California Work Opportunity and Responsibility to Kids Act, provides housing supports to individuals if the administering county determines that the individual or his or her family is experiencing homelessness or housing instability that would be a barrier to self-sufficiency or child well-being and declares that it is the intent of the Legislature that housing supports utilize evidence-based models, including those established in the federal Department of Housing and Urban Development's Homeless Prevention and Rapid Re-Housing Program.~~

~~This bill would require the Department of Housing and Community Development to establish, upon appropriation of funds in the annual Budget Act, an enhancement program for awarding grants to counties and private nonprofit organizations that operate a rapid rehousing program. The bill would require the department to develop guidelines to select 4 counties and private nonprofit organizations to receive these grant funds and require that eligible counties and private nonprofit organizations include those that are eligible to receive funds from the state pursuant to the Emergency Solutions Grants Program with a demonstrated high funding need. The bill would require the department to give priority to counties with existing programs that have demonstrated effectiveness in providing rapid rehousing for homeless individuals and veterans. This bill would require the department to distribute this money equally to each of the selected counties and private nonprofit organizations, less an amount of up to 5% deducted for administrative purposes. The bill would repeal these provisions as of July 1, 2018.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 3.6 (commencing with Section 11366)  
2     is added to Part 1 of Division 3 of Title 2 of the Government Code,  
3     to read:

4  
5                   *CHAPTER 3.6. REGULATORY REFORM*  
6

7                   *Article 1. Findings and Declarations*  
8

9     11366. The Legislature finds and declares all of the following:

10    (a) The Administrative Procedure Act (Chapter 3.5 (commencing  
11    with Section 11340), Chapter 4 (commencing with Section 11370),  
12    Chapter 4.5 (commencing with Section 11400), and Chapter 5  
13    (commencing with Section 11500)) requires agencies and the Office  
14    of Administrative Law to review regulations to ensure their  
15    consistency with law and to consider impacts on the state's  
16    economy and businesses, including small businesses.

17    (b) However, the act does not require agencies to individually  
18    review their regulations to identify overlapping, inconsistent,  
19    duplicative, or out-of-date regulations that may exist.

20    (c) At a time when the state's economy is slowly recovering,  
21    unemployment and underemployment continue to affect all  
22    Californians, especially older workers and younger workers who  
23    received college degrees in the last seven years but are still  
24    awaiting their first great job, and with state government improving  
25    but in need of continued fiscal discipline, it is important that state  
26    agencies systematically undertake to identify, publicly review, and  
27    eliminate overlapping, inconsistent, duplicative, or out-of-date  
28    regulations, both to ensure they more efficiently implement and  
29    enforce laws and to reduce unnecessary and outdated rules and  
30    regulations.

31  
32                   *Article 2. Definitions*  
33

34    11366.1. For the purposes of this chapter, the following  
35    definitions shall apply:

1 (a) “State agency” means a state agency, as defined in Section  
2 11000, except those state agencies or activities described in Section  
3 11340.9.

4 (b) “Regulation” has the same meaning as provided in Section  
5 11342.600.

6  
7 Article 3. State Agency Duties  
8

9 11366.2. On or before January 1, 2019, each state agency shall  
10 do all of the following:

11 (a) Review all provisions of the California Code of Regulations  
12 adopted by that state agency.

13 (b) Identify any regulations that are duplicative, overlapping,  
14 inconsistent, or out of date.

15 (c) Adopt, amend, or repeal regulations to reconcile or eliminate  
16 any duplication, overlap, inconsistencies, or out-of-date provisions,  
17 and shall comply with the process specified in Article 5  
18 (commencing with Section 11346) of Chapter 3.5, unless the  
19 addition, revision, or deletion is without regulatory effect and may  
20 be done pursuant to Section 100 of Title 1 of the California Code  
21 of Regulations.

22 (d) Hold at least one noticed public hearing, which shall be  
23 noticed on the Internet Web site of the state agency, for the  
24 purposes of accepting public comment on proposed revisions to  
25 its regulations.

26 (e) Notify the appropriate policy and fiscal committees of each  
27 house of the Legislature of the revisions to regulations that the  
28 state agency proposes to make at least 30 days prior to initiating  
29 the process under Article 5 (commencing with Section 11346) of  
30 Chapter 3.5 or Section 100 of Title 1 of the California Code of  
31 Regulations.

32 (f) (1) Report to the Governor and the Legislature on the state  
33 agency’s compliance with this chapter, including the number and  
34 content of regulations the state agency identifies as duplicative,  
35 overlapping, inconsistent, or out of date, and the state agency’s  
36 actions to address those regulations.

37 (2) The report shall be submitted in compliance with Section  
38 9795 of the Government Code.

39 11366.3. (a) On or before January 1, 2019, each agency listed  
40 in Section 12800 shall notify a department, board, or other unit

1 *within that agency of any existing regulations adopted by that*  
2 *department, board, or other unit that the agency has determined*  
3 *may be duplicative, overlapping, or inconsistent with a regulation*  
4 *adopted by another department, board, or other unit within that*  
5 *agency.*

6 *(b) A department, board, or other unit within an agency shall*  
7 *notify that agency of revisions to regulations that it proposes to*  
8 *make at least 90 days prior to a noticed public hearing pursuant*  
9 *to subdivision (d) of Section 11366.2 and at least 90 days prior to*  
10 *adoption, amendment, or repeal of the regulations pursuant to*  
11 *subdivision (c) of Section 11366.2. The agency shall review the*  
12 *proposed regulations and make recommendations to the*  
13 *department, board, or other unit within 30 days of receiving the*  
14 *notification regarding any duplicative, overlapping, or inconsistent*  
15 *regulation of another department, board, or other unit within the*  
16 *agency.*

17 *11366.4. An agency listed in Section 12800 shall notify a state*  
18 *agency of any existing regulations adopted by that agency that*  
19 *may duplicate, overlap, or be inconsistent with the state agency's*  
20 *regulations.*

21 *11366.45. This chapter shall not be construed to weaken or*  
22 *undermine in any manner any human health, public or worker*  
23 *rights, public welfare, environmental, or other protection*  
24 *established under statute. This chapter shall not be construed to*  
25 *affect the authority or requirement for an agency to adopt*  
26 *regulations as provided by statute. Rather, it is the intent of the*  
27 *Legislature to ensure that state agencies focus more efficiently*  
28 *and directly on their duties as prescribed by law so as to use scarce*  
29 *public dollars more efficiently to implement the law, while*  
30 *achieving equal or improved economic and public benefits.*

31  
32 *Article 4. Chapter Repeal*  
33

34 *11366.5. This chapter shall remain in effect only until January*  
35 *1, 2020, and as of that date is repealed, unless a later enacted*  
36 *statute, that is enacted before January 1, 2020, deletes or extends*  
37 *that date.*

38 *SEC. 2. This act is an urgency statute necessary for the*  
39 *immediate preservation of the public peace, health, or safety within*

1 *the meaning of Article IV of the Constitution and shall go into*  
2 *immediate effect. The facts constituting the necessity are:*

3 *In order for state agencies to timely complete a full review of*  
4 *regulations by the 2019 deadline, it is necessary that this act take*  
5 *effect immediately.*

6 ~~SECTION 1. The Legislature finds and declares the following:~~

7 ~~(a) In 2013, the United States Department of Housing and Urban~~  
8 ~~Development (HUD) reported that California has nearly 40,000~~  
9 ~~chronically homeless persons, which is 36 percent of the total~~  
10 ~~chronically homeless population of the United States. This is due~~  
11 ~~in large part to an insufficient amount of affordable housing in~~  
12 ~~California.~~

13 ~~(b) HUD also reported that there are over 15,000 homeless~~  
14 ~~veterans in California.~~

15 ~~(c) Several studies, including one by the Journal of the American~~  
16 ~~Medical Association, have demonstrated that it is far more cost~~  
17 ~~effective and efficient to provide the homeless with permanent,~~  
18 ~~supportive housing through “rapid rehousing” and “housing first”~~  
19 ~~initiatives. These measures also reduce the cost to governments~~  
20 ~~of funding shelters and emergency services.~~

21 ~~SEC. 2. Chapter 1 (commencing with Section 15290) is added~~  
22 ~~to Part 6.6 of Division 3 of Title 2 of the Government Code, to~~  
23 ~~read:~~

24  
25 ~~CHAPTER 1. RAPID REHOUSING ENHANCEMENT PROGRAM~~  
26

27 ~~15290. For the purposes of this chapter, the following~~  
28 ~~definitions shall apply:~~

29 ~~(a) “Department” means the Department of Housing and~~  
30 ~~Community Development.~~

31 ~~(b) “Homeless” has the same meaning as defined in Section~~  
32 ~~576.2 of Title 24 of the Code of Federal Regulations.~~

33 ~~(c) “Enhancement program” means the program established~~  
34 ~~pursuant to this chapter for distributing funds to counties and~~  
35 ~~private nonprofit organizations.~~

36 ~~(d) “Private nonprofit organization” has the same meaning as~~  
37 ~~defined in Section 11371 of Title 42 of the United States Code.~~

38 ~~15290.5. (a) Upon appropriation of funds in the annual Budget~~  
39 ~~Act, the department shall establish an enhancement program for~~  
40 ~~awarding grants to counties and private nonprofit organizations~~

1 ~~that operate a rapid rehousing program. The department shall~~  
2 ~~administer the enhancement program.~~

3 ~~(b) The department shall develop guidelines to select four~~  
4 ~~counties or private nonprofit organizations to participate in the~~  
5 ~~enhancement program. Eligible counties and private nonprofit~~  
6 ~~organizations shall include counties and private nonprofit~~  
7 ~~organizations eligible to receive funds from the state pursuant to~~  
8 ~~the federal Emergency Solutions Grants Program (42 U.S.C. Sec.~~  
9 ~~11371 et seq.) with a demonstrated high funding need. The~~  
10 ~~department shall select counties and private nonprofit organizations~~  
11 ~~by giving priority to those counties or private nonprofit~~  
12 ~~organizations with existing rapid rehousing programs that have~~  
13 ~~demonstrated effectiveness in providing rapid rehousing for~~  
14 ~~individuals and veterans of the United States military experiencing~~  
15 ~~homelessness.~~

16 ~~(c) Counties and private nonprofit organizations selected to~~  
17 ~~receive funds pursuant to this section shall comply with the~~  
18 ~~reporting requirements as required by the department under state~~  
19 ~~and federal regulations implementing the Emergency Solutions~~  
20 ~~Grants Program (42 U.S.C. Sec. 11371 et seq.).~~

21 ~~(d) The department shall distribute an equal amount of the~~  
22 ~~money received pursuant to this section each year, less any amount~~  
23 ~~deducted for administrative purposes, to each of the selected~~  
24 ~~counties and private nonprofit organizations.~~

25 ~~(e) The department may use up to 5 percent of the money~~  
26 ~~received pursuant to this section for the purpose of administering~~  
27 ~~this chapter.~~

28 ~~15291. This chapter shall remain in effect only until July 1,~~  
29 ~~2018, and as of that date is repealed.~~